

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RYAN PFLIPSEN,)
)
Plaintiff,) CIVIL ACTION
vs.)
) FILE No. 5:20-cv-497-RBF
PBH, INC. d/b/a BANDERA)
CROSSING,)
)
Defendant.)

**JOINT STIPULATION TO APPROVE CONSENT DECREE
AND TO DISMISS DEFENDANT WITH PREJUDICE**

Plaintiff, Ryan Pflipsen (“Plaintiff”) and Defendant(s), PBH, INC. d/b/a BANDERA CROSSING, hereby file this Joint Stipulation seeking the Court’s Approval of the parties’ Consent Decree and to Dismiss Defendant, PBH, INC. d/b/a BANDERA CROSSING, with Prejudice:

1. Plaintiff filed the instant cause of action alleging that the Property operated and/or owned by Defendants violated Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 *et seq.*
2. The matters raised by Plaintiff’s Complaint have been resolved in accordance with the Consent Decree (“Settlement”) attached hereto as Exhibit “1”.
3. In accordance therewith, the Parties request that the Court review, approve and ratify the Consent Decree. Additionally, the Parties request the Court retain jurisdiction to enforce the terms of the Settlement for a period of no longer than twelve (12) months from the date of the Court’s approval. This Settlement is conditioned upon the Court’s retaining

jurisdiction to enforce said Settlement.

4. As part of the Settlement reached between the Parties, Plaintiff has agreed to dismiss Defendant, PBH, INC. d/b/a BANDERA CROSSING, with prejudice. Accordingly, the Parties request, upon the Court's review, approval and ratification of the Settlement, Defendant, PBH, INC. d/b/a BANDERA CROSSING, be dismissed with prejudice.

5. Except as otherwise stated in the Settlement, each party to bear their own fees and costs.

WHEREFORE, the Parties respectfully request that this Honorable Court enter an Order approving the attached Consent Decree, dismissing the claims asserted by Plaintiff against Defendant, PBH, INC. d/b/a BANDERA CROSSING, with prejudice, and retaining jurisdiction to enforce the Settlement.

Respectfully submitted this 3rd day of November, 2021.

Respectfully submitted,

/s/ Dennis R. Kurz
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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY, a true and correct copy of the above and foregoing has been filed electronically the Clerk of the Court using CM/ECF/system on this 3rd day of November, 2021.

/s/ Dennis R. Kurz
Dennis R. Kurz

EXHIBIT “1”